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EXAMINER	
CLAWSON, STEPHEN J	

ART UNIT	PAPER NUMBER
2461	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/589,564	ASADA ET AL.	
	Examiner	Art Unit	
	STEPHEN J. CLAWSON	2461	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 January 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5-8 and 13-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *5-8 and 13-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 August 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations claimed in claims 5-8 and 13-16 must be shown or the feature(s) canceled from the claim(s). That is, fig. 3 does not show the invention claimed. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because fig. 3 misspells the word receive in box s13 and the word transcode in box s18. Corrected drawing sheets in compliance with

37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: para. 13, lines 5-6 refer to the same data as a first data and second data. This is misleading since lines 1-4 describe this as the same data. Appropriate correction is required.

4. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly

those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:
(1) if a machine or apparatus, its organization and operation;
(2) if an article, its method of making;
(3) if a chemical compound, its identity and use;
(4) if a mixture, its ingredients;
(5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

5. The abstract of the disclosure is objected to because it does not accurately describe the claimed invention. Correction is required. See MPEP § 608.01(b).

Response to Arguments

6. Applicant's arguments with respect to claims 5-8 and 13-16 have been considered but are moot in view of the new ground(s) of rejection.

Although Examiner did object to allow a few of the claims in the last Office Action, Applicant, not following the suggestions of Examiner to include all limitations from dependent and the independent claims and any intervening claims, amended these claims to both broaden their scope so as to introduce new matter and enablement issues as well as rejections under 112 second paragraph. In light of these amendments, a Final Office Action is proper.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 5-8, and 13-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 5-8, claim 5 recites, in line 3, '…first audio data…' and, in line 5, '…second audio data…' There is no support for these limitations in the specification. While the specification does use these exact words in paragraph 13 in lines 5-6, (one time) the meaning is not the same. First audio data and second audio data suggests that the audio data is different; it is not. **(See Specification para. 14, lines 3-4; referring to the data as audio data in two different encoding formats)** Everywhere in the specification there is audio data in a plurality of encoding formats. **(See Specification para. 12, line 2, line 3-4, line 7, line 10; para. 13, line 3, line 6-7, line 10, etc.)** As already described above, paragraph 14 describes the same audio data in two different encoding formats and then states that the first data and second data from these two different encoding formats are stored. Clearly, this passage is describing that

the audio data is the same in both packets. While Applicant may have attempted to copy words from the translated copy of a Japanese PCT Application, Applicant has missed the context in which this portion of the specification was written. Claimed limitations deserve more precision. The specification supports audio data (the same data) in two different encoding formats as described in para. 14, lines 3-4.

Regarding claim 7, claim 7, in lines 2-3, recites '…the packet receiving section receives the first and second audio packets transmitted from a second telephone terminal…' There is no support for this limitation in the specification. Para. 47, lines 7-8, discloses that a telephone terminal would have an encoding format supported. There is no support for a second telephone terminal sending two different packets in two different encoding formats.

Regarding claims 13-16, claim 13 recites, in line 2, '…first audio data…' and, in line 3, '…second audio data…' There is no support for these limitations in the specification. While the specification does use these exact words in paragraph 13 in lines 5-6, (one time) the meaning is not the same. First audio data and second audio data suggests that the audio data is different; it is not. **(See Specification para. 14, lines 3-4; referring to the data as audio data in two different encoding formats)** Everywhere in the specification there is audio data in a plurality of encoding formats. **(See Specification para. 12, line 2, line 3-4, line 7, line 10; para. 13, line 3, line 6-7, line 10, etc.)** As already described above, paragraph 14 describes the same audio data

in two different encoding formats and then states that the first data and second data from these two different encoding formats are stored. Clearly, this passage is describing that the audio data is the same in both packets. While Applicant may have attempted to copy words from the translated copy of a Japanese PCT Application, Applicant has missed the context in which this portion of the specification was written. Claimed limitations deserve more precision. The specification supports audio data (the same data) in two different encoding formats as described in para. 14, lines 3-4.

Regarding claim 15, claim 15, in lines 2-3, recites '…the packet receiving section received the first and second audio packets transmitted from a second telephone terminal…' There is no support for this limitation in the specification. Para. 47, lines 7-8, discloses that a telephone terminal would have an encoding format supported. There is no support for a second telephone terminal sending two different packets in two different encoding formats.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 5-8 and 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 5-8, claim 5 recites, in line 3, '…first audio data…' and, in line 5, '…second audio data…' There is no support for these limitations in the specification. While the specification does use these exact words in paragraph 13 in lines 5-6, (one time) the meaning is not the same. First audio data and second audio data suggests that the audio data is different; it is not. **(See Specification para. 14, lines 3-4; referring to the data as audio data in two different encoding formats)** Everywhere in the specification there is audio data in a plurality of encoding formats. **(See Specification para. 12, line 2, line 3-4, line 7, line 10; para. 13, line 3, line 6-7, line 10, etc.)** As already described above, paragraph 14 describes the same audio data in two different encoding formats and then states that the first data and second data from these two different encoding formats are stored. Clearly, this passage is describing that the audio data is the same in both packets. While Applicant may have attempted to copy words from the translated copy of a Japanese PCT Application, Applicant has missed the context in which this portion of the specification was written. Claimed limitations deserve more precision. The specification supports audio data (the same data) in two different encoding formats as described in para. 14, lines 3-4.

Regarding claim 7, claim 7, in lines 2-3, recites '…the packet receiving section receives the first and second audio packets transmitted from a second telephone terminal…' There is no support for this limitation in the specification. Para. 47, lines 7-8, discloses that a telephone terminal would have an encoding format supported. There

is no support for a second telephone terminal sending two different packets in two different encoding formats.

Regarding claims 13-16, claim 13 recites, in line 2, '…first audio data…' and, in line 3, '…second audio data…' There is no support for these limitations in the specification. While the specification does use these exact words in paragraph 14 in lines 5-6, (one time) the meaning is not the same. First audio data and second audio data suggests that the audio data is different; it is not. **(See Specification para. 14, lines 3-4; referring to the data as audio data in two different encoding formats)** Everywhere in the specification there is audio data in a plurality of encoding formats. **(See Specification para. 12, line 2, line 3-4, line 7, line 10; para. 13, line 3, line 6-7, line 10, etc.)** As already described above, paragraph 14 describes the same audio data in two different encoding formats and then states that the first data and second data from these two different encoding formats are stored. Clearly, this passage is describing that the audio data is the same in both packets. While Applicant may have attempted to copy words from the translated copy of a Japanese PCT Application, Applicant has missed the context in which this portion of the specification was written. Claimed limitations deserve more precision. The specification supports audio data (the same data) in two different encoding formats as described in para. 14, lines 3-4.

Regarding claim 15, claim 15, in lines 2-3, recites '…the packet receiving section received the first and second audio packets transmitted from a second telephone terminal…' There is no support for this limitation in the specification. Para. 47, lines 7-8, discloses that a telephone terminal would have an encoding format supported. There is no support for a second telephone terminal sending two different packets in two different encoding formats.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 5-8 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oh (7,251,480), and further in view of McConnell (2006/0030357).

Regarding claim 5, Oh discloses a voice mail device, comprising:

a first audio data storing section which stores first audio data in a first encoding format; **(See Oh col. 2, lines 34-36; receiving voice mail message (i.e. first audio data) in a first format (i.e. first encoding format); it is inherent that the data is stored in a buffer, memory, etc. (i.e. data storing section))**

a second audio data storing section which stores second audio data in a second encoding format; **(See Oh col. 2, lines 39-41; transcoding the voice mail message into a second format; it is inherent that while transcoding is occurring the data is stored in a buffer, memory, etc. (i.e. data storing section))**

an encoding format determining section which communicates with the a first telephone terminal to determine an encoding format of audio data; **(See Oh col. 2, lines 36-37; determining that determines if the second device(i.e. first telephone terminal) is not a mobile phone then the data is transcoded into a second format)**

an audio data selecting section which selects audio data-from the first and second audio data based on the determination by said encoding format determining section; **(See Oh col. 2, lines 36-37; once it is determined that the device is not a mobile phone then it is transcoded into a second format which is chosen (i.e. selected))**

Although Oh does disclose that the use of an IP network **(See Oh col. 3, lines 39-40)**, Oh does not explicitly disclose a packet converting section which converts the audio data selected by said audio data selecting section to an audio packet; and a packet transmitting section which transmits to the first telephone terminal the audio packet resulting from the conversion by said packet converting section. However, McConnell does disclose a packet converting section which converts the audio data selected by said audio data selecting section to an audio packet; and a packet transmitting section which transmits to the first telephone terminal the audio packet resulting from the conversion by said packet converting section. **(See McConnell fig.**

2, and para. 30 lines 4-20; Voice mail server 62 may reside in the IP/PBX server 42; VoIP packets are transmitted between the IP/PBX which has a voice mail server inside of it to the telephones on the packet network.) Therefore it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to modify the apparatus of Oh to include packetizing the audio packets and transmitting them of McConnell with the motivation being to further explain that IP networks use packets and further to allow multiple devices to share a medium by using packets and thereby maximizing the channel and resources.

Regarding claim 6, Oh in view of McConnell discloses the voice mail device as set forth in claim 5, further comprising a packet receiving section which receives a first audio packet including the first audio data in the first encoding format and a second audio packet including the second audio data in the second encoding format, wherein said first and second audio data storing sections store the first and second audio data included in the first and second audio packets received by said packet receiving section. **(See Oh col. 2, lines 39-41; transcoding the voice mail message into a second format; it is inherent that while transcoding is occurring the data is stored in a buffer, memory, etc. (i.e. data storing section)) (See Oh col. 2, lines 34-36; receiving voice mail message (i.e. first audio data) in a first format (i.e. first encoding format); it is inherent that the data is stored in a buffer, memory, etc. (i.e. data storing section))**

Regarding claim 7, Oh in view of McConnell discloses the voice mail device as set forth in claim 6, wherein said packet receiving section receives the first and second audio packets transmitted from a second telephone terminal. **(See Oh col. 2, line 33, first terminal (i.e. second telephone terminal))**

Regarding claim 8, Oh in view of McConnell discloses the voice mail device as set forth in claim 6, wherein said packet receiving section receives the first and second audio packets originating in audio data recorded in a storage medium. **(See Oh col. 2, lines 39-41; transcoding the voice mail message into a second format; it is inherent that while transcoding is occurring the data is stored in a buffer, memory, etc. (i.e. data storing section)) (See Oh col. 2, lines 34-36; receiving voice mail message (i.e. first audio data) in a first format (i.e. first encoding format); it is inherent that the data is stored in a buffer, memory, etc. (i.e. data storing section)) (it is inherent that a storage medium is used (i.e. ram, rom, buffer, register, etc.))**

Regarding claim 13, Oh discloses a voice mail communication method, comprising:

storing first audio data in a first encoding format; **(See Oh col. 2, lines 34-36; receiving voice mail message (i.e. first audio data) in a first format (i.e. first**

encoding format); it is inherent that the data is stored in a buffer, memory, etc. (i.e. data storing section))

storing second audio data in a second encoding format; **(See Oh col. 2, lines 39-41; transcoding the voice mail message into a second format; it is inherent that while transcoding is occurring the data is stored in a buffer, memory, etc. (i.e. data storing section))**

communicating with a first telephone terminal to determine an encoding format of audio data; **(See Oh col. 2, lines 36-37; determining that determines if the second device(i.e. first telephone terminal) is not a mobile phone then the data is transcoded into a second format)**

selecting audio data from the first and second audio data based on the determined encoding format; **(See Oh col. 2, lines 36-37; once it is determined that the device is not a mobile phone then it is transcoded into a second format which is chosen (i.e. selected))**

Although Oh does disclose that the use of an IP network **(See Oh col. 3, lines 39-40)**, Oh does not explicitly disclose converting the selected audio data to an audio packet; and transmitting the audio packet resulting from the conversion. However, McConnell does disclose disclose converting the selected audio data to an audio packet; and transmitting the audio packet resulting from the conversion. **(See McConnell fig. 2, and para. 30 lines 4-20; Voice mail server 62 may reside in the IP/PBX server 42; VoIP packets are transmitted between the IP/PBX which has a voice mail server inside of it to the telephones on the packet network.)** Therefore

it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to modify the apparatus of Oh to include packetizing the audio packets and transmitting them of McConnell with the motivation being to further explain that IP networks use packets and further to allow multiple devices to share a medium by using packets and thereby maximizing the channel and resources.

Regarding claim 14, Oh in view of McConnell discloses the voice mail communication method as set forth in claim 13, further comprising:

receiving a first audio packet including the first audio data in the first encoding format and a second audio packet including the second audio data in the second encoding format, wherein the stored first and second audio data are the first and second audio data included in the received first and second audio packets. **(See Oh col. 2, lines 39-41; transcoding the voice mail message into a second format; it is inherent that while transcoding is occurring the data is stored in a buffer, memory, etc. (i.e. data storing section)) (See Oh col. 2, lines 34-36; receiving voice mail message (i.e. first audio data) in a first format (i.e. first encoding format); it is inherent that the data is stored in a buffer, memory, etc. (i.e. data storing section))**

Regarding claim 15, Oh in view of McConnell discloses the voice mail communication method as set forth in claim 14, wherein the received first and second

audio packets are transmitted from a second telephone terminal. **(See Oh col. 2, line 33, first terminal (i.e. second telephone terminal))**

Regarding claim 16, Oh in view of McConnell discloses the voice mail communication method as set forth in claim 14, wherein the received first and second audio packets originate in audio data recorded in a storage medium. **(See Oh col. 2, lines 39-41; transcoding the voice mail message into a second format; it is inherent that while transcoding is occurring the data is stored in a buffer, memory, etc. (i.e. data storing section)) (See Oh col. 2, lines 34-36; receiving voice mail message (i.e. first audio data) in a first format (i.e. first encoding format); it is inherent that the data is stored in a buffer, memory, etc. (i.e. data storing section)) (it is inherent that a storage medium is used (i.e. ram, rom, buffer, register, etc.))**

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHEN J. CLAWSON whose telephone number is (571)270-7498. The examiner can normally be reached on M-F 7:30-5:00 pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/STEPHEN J. CLAWSON/
Examiner, Art Unit 2461

/Huy D Vu/
Supervisory Patent Examiner, Art Unit 2461